Appendix A

CHAPTER 730

STATE OF NEW YORK

S. 3684 A. 5282

SENATE—ASSEMBLY
February 14, 1968

IN SENATE—Introduced by Mr. B. C. SMITH—read twice and ordered printed, and when printed to be committed to the Committee on Education

IN ASSEMBLY—Introduced by Mr. W. L. BURNS—read once and referred to the Committee on Education

AN ACT

To amend the education law, in relation to voting by spouse of tenant

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph a of subdivision three of section two thousand twelve, as amended by chapter four hundred ninety-seven of the laws of nineteen hundred fifty-six, is hereby amended to read as follows:

a. Owns or is the spouse of an owner, leases, hires or is in possession under a contract of purchase *or is the spouse of one who leases, hires or is in possession under a contract of purchase* of, real property in such district liable to taxation for school purposes, but the occupation of real property by a person as a lodger or boarder shall not entitle such person to vote, or

§ 2. This act shall take effect immediately.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

Appendix B

GOVERNOR'S VETO MEMORANDUM—1953

(From N. Y. Legislative Annual, 1953, p. 368)

Educ. Law, city elections, school propositions
Educ. Law, school elections, cities, hours

S. I. 1835, Pr. 1940, McCullough
S. I. 811, Pr. 845, McCullough

For more than one hundred years our laws have for the most part maintained a separation between school district elections and general elections. These bills would permit the submission of city school district propositions at a general city election. This would mean that proposals for bond issues, the purchase of school sites and other important school matters would be joined with all of the other political issues before the electorate on election day. School matters would be submerged in the issues attendant upon national, state and municipal political campaigns. Concerning the proposal the New York State School Boards Association has written as follows:

> "From the standpoint of general policy, our Association has felt that steps should not be taken to place school matters before voters at the time of a general election. Experience has indicated that it is better to consider school matters at regular school elections or at special elections which are not coincident with the general election.

"Such proeedure has stood the test of time. There are those who argue that some money could be saved by holding school elections at the time of the general elections and we suspect this might be so. However, such a monetary advantage to be gained must be compared with the disadvantages which might come from mingling school problems with more political questions."

Disapproval of the measures is also strongly urged on these grounds by the State Education Department.

Appendix C

DECISIONS

COURT OF APPEALS

NEW YORK LAW JOURNAL—MARCH 15, 1965

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243. *Turco, ap.* v. *Union Free School District, res.*—Motion to dismiss the appeal granted and the appeal dismissed, with costs and $10 costs of motion, upon the ground that no substantial constitutional question is presented.

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